

Ray Bourhis, Esq. SBN 53196
Lawrence Mann, Esq., SBN 83698
Bennett M. Cohen, Esq. SBN 98065
BOURHIS & MANN
1050 Battery Street
San Francisco, CA 94111
Tel: (415) 392-4660; Fax: (415) 421-0259

Attorneys for Plaintiff CLAUDIA BLAKE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA L. BLAKE,

Plaintiff,

v.

UNUMPROVIDENT CORPORATION;
UNUM CORPORATION; NEW ENGLAND
MUTUAL LIFE INSURANCE
COMPANY; THE COMMISSIONER OF THE
CALIFORNIA DEPARTMENT OF
INSURANCE, and DOES 1 through 20,
inclusive,

Defendants.

Case No.: C-07-04366 MHP (E-FILING)

ALL PARTIES' JOINT CASE
MANAGEMENT STATEMENT

DATE : November 26, 2007

TIME : 4:00 P.M.

PLACE : Courtroom 3, 17th Floor

Judge: Honorable Marilyn Hall Patel

TRIAL DATE: NONE SET

All parties to this action respectfully submit this Joint Case Management Statement pursuant to Clerk's Notice of October 2, 2007.

1. Jurisdiction and Service

This Court's basis for subject matter jurisdiction is diversity between the parties. This basis is disputed pending the Court's ruling on Plaintiff's Motion to Remand which is under submission. All parties have been served but the Commissioner has not yet filed an appearance.

1 2. Facts

2 Plaintiff claims that she is disabled and entitled to benefits under the policy originally
3 issued by New England Mutual. The insurance defendants deny that she is entitled to benefits
4 under the terms and conditions of the policy.

5 Plaintiff further claims that the Commissioner has not enforced the laws and regulations
6 as they apply to the insurance defendants. Plaintiff has informed the Commissioner that the
7 Commissioner must answer Plaintiff's complaint within 10 days of notice of this Court's ruling
8 on Plaintiff's motion to remand.

9 3. Legal Issues

10 Whether plaintiff is disabled within the meaning of California law and the disability
11 insurance policy issued to her and whether insurance defendants have committed the tortious
12 conduct further alleged in the Complaint.

13 4. Motions

14 Motion for Remand under submission.

15 The insurance defendants anticipate filing a motion for summary judgment.

16 5. Amendment of Pleadings

17 None anticipated.

18 6. Evidence Preservation

19 The parties have and will maintain all documents related to Plaintiff's claim, including all
20 documents maintained electronically.

21 7. Disclosures

22 The parties will make their Rule 26 Initial Disclosures by January 15, 2008.

23 8. Discovery

24 No discovery has been conducted to date. The parties do not anticipate any unusual
25 problems with discovery or any need to modify the discovery rules. The parties anticipate that
26 written discovery will be completed by August 1, 2008 and that depositions will be completed by
27 October 31, 2008.

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1 9. Class Actions

2 Not applicable.

3 10. Related Case

4 Not applicable.

5 11. Relief

6 Plaintiff seeks general damages in a sum to be determined at trial, punitive damages,
7 costs of suit, reasonable attorney fees, special damages as the Court deems proper and an order
8 finding that the Commissioner has abused his discretion and revoking the pertinent policy
9 provisions and/or an order mandating that the Commissioner take such action as he may decide
10 is reasonably necessary to respond to conduct on the part of insurance defendants which Plaintiff
11 alleges to be unlawful and fraudulent.

12 12. Settlement and ADR

13 The parties are willing to engage in ADR but have not agreed on a mechanism. Plaintiff
14 proposes private mediation and the insurance defendants recommend participation in the Court's
15 ENE program.

16 13. Consent to Magistrate Judge for all Purposes

17 Defendants and Plaintiff have not consented to adjudicate this action before a magistrate
18 judge; hence this matter is now before the Honorable Marilyn Hall Patel.

19 14. Other References

20 Not applicable.

21 15. Narrowing of Issues

22 Summary judgment is the best mechanism to narrow issues. It is premature for the
23 parties to discuss stipulations. The parties presently do not recommend any bifurcation of
24 issues.

25 16. Expedited Schedule

26 Not applicable.

27 17. Scheduling

28 Expert Designations: September 1, 2008

Discovery Cut-off: October 31, 2008

Dispositive Motion Hearing: November 30, 2008

Pretrial Conference: March 1, 2009

Trial: April 18, 2009

18. Trial

Plaintiff has requested a trial by jury. Estimated length of time is 7-10 days.

19. Disclosure of Non-party Interested Entities or Persons

Plaintiff certifies that other than the named parties and any parties which are being named by the insurance defendants, Plaintiff is unaware of any other parties that might have a direct, pecuniary interest in the outcome of this case.

Unum Group (formerly known as UnumProvident Corporation), Unum Corporation (a now non-existent entity that on June 30, 1999 merged with an into Provident Companies, Inc., which company amended its charter on June 30, 1999 to change its name to UnumProvident Corporation, properly referred to as Unum Group) and MetLife Insurance Company (successor in interest by merger to New England Mutual Life Insurance Company), certifies that the following listed party (or parties) may have a pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal.

Unum Group

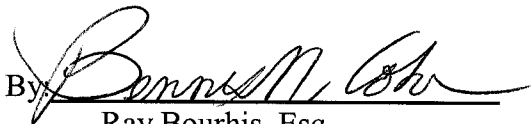
UnumProvident Corporation

MetLife Insurance Company

New England Mutual Life Insurance Company

Dated: November 16, 2007

BOURHIS & MANN

By: 

Ray Bourhis, Esq.

Lawrence Mann, Esq.

Bennett M. Cohen, Esq.

Attorneys for Plaintiff CLAUDIA L. BLAKE

1 Dated: November 16, 2007

KELLY, HERLIHY & KLEIN

2
3 By: 

John C. Ferry

Attorneys for Defendants

4 UNUM GROUP (Formerly known as UNUMPROVIDENT CORPORATION),
5 UNUM CORPORATION (a now non-existent entity, properly referred to as
6 Unum Group) and METLIFE INSURANCE COMPANY (successor in interest by
7 merger to NEW ENGLAND MUTUAL LIFE INSURANCE COMPANY
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PROOF OF SERVICE

Claudia L. Blake v. Unumprovident Corporation, et al.

U.S. District Court, Northern District of California, Case No. C07-04366 MHP

I am a resident of the State of California, over the age of eighteen years and not a party to this action. My business address is 1050 Battery Street, San Francisco, California 94111. On November 16, 2007, I will serve the following documents:

ALL PARTIES' JOINT CASE MANAGEMENT STATEMENT

in the manner as provided by Rule 5(b) of the Federal Rules of Civil Procedure by placing a true copy of the document(s) listed above, enclosed in a sealed envelope, addressed as set forth below, for collection and mailing on the date and at the business address shown above following our ordinary business practices. I am readily familiar with this business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid. I am employed in the county where the mailing described below occurred, and am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I placed a true copy of the specified document(s) in a sealed envelope(s) with postage thereon fully prepaid. The envelope(s) will be deposited with the United States Postal Service on this day in the ordinary course of business in San Francisco, California.

UNUMPROVIDENT CORPORATION, etc.

John C. Ferry, Esq.

Thomas M. Herlihy, Esq.

KELLY, HERLIHY & KLEIN LLP

44 Montgomery Street, Ste. 2500

San Francisco, CA 94104-4798

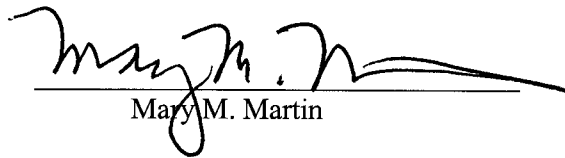
Phone: (415) 951-0535

Fax: (415) 391-7808

Email: jferry@kelher.com

Email: herlihy@kelher.com

(X) (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed at San Francisco, California, on November 16, 2007.


Mary M. Martin